

AMENDED IN ASSEMBLY JANUARY 12, 2006  
AMENDED IN ASSEMBLY SEPTEMBER 7, 2005  
AMENDED IN ASSEMBLY SEPTEMBER 1, 2005  
AMENDED IN ASSEMBLY JUNE 22, 2005  
AMENDED IN ASSEMBLY JUNE 14, 2005  
AMENDED IN SENATE MAY 11, 2005  
AMENDED IN SENATE APRIL 12, 2005

**SENATE BILL**

**No. 283**

**Introduced by Senator Maldonado**

February 16, 2005

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An act to ~~add Section 97 to, and to add and repeal Section 97.5 of, the Streets and Highways Code, and to amend Section 35401 of, and to add Section 42010 to, the Vehicle Code, relating to transportation vehicles, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 283, as amended, Maldonado. ~~Safety Enhancement-Double Fine Zones: vehicles.~~ *Vehicles: combination length.*

(1) ~~Existing law vests with the Department of Transportation, full possession and control of the state highway system. Under existing law, until January 1, 2006, a specified state highway segment has been designated as a Safety Enhancement-Double Fine Zone that is subject to rules and regulations, as specified, adopted by the department pertaining to those zones.~~

~~This bill would specify standards for Safety Enhancement-Double Fine Zones and would designate, until January 1, 2010, a specified segment of State Highway Route 101 and County Road 16 in~~

~~Monterey County as Safety Enhancement Double Fine Zones. The bill would also require the Department of Transportation to prepare an evaluation on designated Safety Enhancement Double Fine Zones and submit a report to the Legislature. The bill would impose an increased penalty for certain traffic violations committed in a Safety Enhancement Double Fine Zone. Because the bill would require Monterey County, in part, to administer the county road zone, it would impose a state-mandated local program.~~

~~(2) Existing~~

*Existing law prohibits any combination of vehicles coupled together, including any attachments, from exceeding a total length of 65 feet, with certain, specified exceptions. Existing law, until which became inoperative January 1, 2006, exempts exempted a combination of vehicles from the specified length limitation, and authorizes authorized the combination to have a total length of not more than 75 feet, if the combination (1) consists consisted of a motortruck and 2 trailers; (2) no trailer in the combination exceeds exceeded 28 feet 6 inches in length; (3) the combination is was used exclusively to transport agricultural products from the field to the first point of handling and return, and each direction of transport does did not exceed 80 miles; and (4) the combination is was not operated on a highway that is designated as a national network route.*

~~This bill would change the inoperative date for the make that exemption to operative until January 1, 2007.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~yes~~  
no. State-mandated local program: ~~yes~~no.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Section 97 is added to the Streets and Highways~~
- 2 ~~Code, to read:~~

1     ~~97. (a) In order to be designated by statute as a Safety~~  
2     ~~Enhancement-Double Fine Zone, a highway or road segment~~  
3     ~~shall have experienced a significant number of traffic accidents,~~  
4     ~~injuries, and fatalities within the prior three-year period, and~~  
5     ~~other traffic safety measures that have been undertaken shall~~  
6     ~~have not appreciably reduced the level of those incidents.~~

7     ~~(b) The concurrence in the designation of the Department of~~  
8     ~~the California Highway Patrol or local agency having traffic~~  
9     ~~enforcement jurisdiction, as the case may be, shall be required~~  
10    ~~prior to designation of the zone pursuant to statute, along with a~~  
11    ~~resolution supporting the designation from the city, or county~~  
12    ~~with respect to an unincorporated area, in which the segment is~~  
13    ~~located.~~

14    ~~(c) Each local governing body where a double fine zone is~~  
15    ~~designated by statute in its jurisdiction shall, prior to the~~  
16    ~~establishment of a double fine zone, do the following:~~

17    ~~(1) Undertake a public awareness campaign to inform the~~  
18    ~~public of the double fine zone designation, where it is located, its~~  
19    ~~purpose, and its consequences.~~

20    ~~(2) Where appropriate, increased traffic safety enhancements,~~  
21    ~~enforcement, and other roadway safety measures shall be~~  
22    ~~implemented in coordination with the establishment of the~~  
23    ~~double fine zone.~~

24    ~~(d) A Safety Enhancement-Double Fine Zone is subject to the~~  
25    ~~rules and regulations adopted by the department prescribing~~  
26    ~~uniform standards for warning signs to notify motorists that,~~  
27    ~~pursuant to Section 42010 of the Vehicle Code, increased~~  
28    ~~penalties apply for traffic violations that are committed within a~~  
29    ~~Safety Enhancement-Double Fine Zone.~~

30    ~~(e) The department or the local authority having jurisdiction~~  
31    ~~over these highway and road segments shall place and maintain~~  
32    ~~the warning signs identifying these segments by stating that a~~  
33    ~~“Special Safety Zone Region Begins Here” and a “Special Safety~~  
34    ~~Zone Ends Here.” The department shall adopt rules and~~  
35    ~~regulations for the administration of a Safety~~  
36    ~~Enhancement-Double Fine Zone under this section.~~

37    ~~(f) Safety Enhancement-Double Fine Zones do not increase~~  
38    ~~the civil liability of the state or local authority having jurisdiction~~  
39    ~~over the highway segment under Division 3.6 (commencing with~~

~~Section 810) of Title 1 of the Government Code or any other provision of law relating to civil liability.~~

~~(1) Only the base fine shall be enhanced pursuant to this section.~~

~~(2) Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the amount of the base fine before enhancement or doubling and shall not be based on the amount of the enhanced fine imposed pursuant to this section.~~

~~(g) The projects specified as a Safety Enhancement Double Fine Zone shall not be elevated in priority for state funding purposes.~~

~~(h) The term for a Safety Enhancement Double Fine Zone shall be limited to four years.~~

~~(i) The Department of Transportation shall conduct an evaluation of the effectiveness of all double fine zones that will terminate the same calendar year and submit its findings in one report to the Assembly Committee on Transportation and the Senate Committee on Transportation and Housing one year prior to the termination of the double fine zones. The report shall include a recommendation on whether the zones should be reauthorized by the Legislature.~~

~~SEC. 2. Section 97.5 is added to the Streets and Highways Code, to read:~~

~~97.5. (a) The following state highway and county road segments are Safety Enhancement Double Fine Zones:~~

~~(1) The segment of State Highway Route 101, between the junction with Boronda Road and the San Benito-Monterey County line.~~

~~(2) The segment of County Road 16, also known as Carmel Valley Road, between the junction with State Highway Route 1 and the junction with Camp Stefani Road.~~

~~(b) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.~~

~~SEC. 3.~~

~~SECTION 1. Section 35401 of the Vehicle Code is amended to read:~~

1 35401. (a) Except as provided in subdivisions (b), (c), and  
2 (d), no combination of vehicles coupled together, including any  
3 attachments, may exceed a total length of 65 feet.

4 (b) (1) A combination of vehicles coupled together, including  
5 any attachments, which consists of a truck tractor, a semitrailer,  
6 and a semitrailer or trailer, may not exceed a total length of 75  
7 feet, if the length of neither the semitrailers nor the trailer in the  
8 combination of vehicles exceeds 28 feet 6 inches.

9 (2) A B-train assembly is excluded from the measurement of  
10 semitrailer length when used between the first and second  
11 semitrailers of a truck tractor-semitrailer-semitrailer combination  
12 of vehicles. However, if there is no second semitrailer mounted  
13 to the B-train assembly, it shall be included in the length  
14 measurement of the semitrailer to which it is attached.

15 (3) A combination of vehicles coupled together, including any  
16 attachments, may have a total length of not more than 75 feet, if  
17 all of the following apply:

18 (A) The combination of vehicles consists of a motortruck and  
19 two trailers.

20 (B) No trailer in the combination exceeds 28 feet 6 inches in  
21 length.

22 (C) The combination is used exclusively to transport  
23 agricultural products from the field to the first point of handling  
24 and return, and each direction of transport does not exceed 80  
25 miles.

26 (D) The combination is not operated on a highway designated  
27 by the United States Department of Transportation as a national  
28 network route.

29 (E) The Department of the California Highway Patrol, in  
30 consultation with the Department of Transportation, shall  
31 conduct a study of the effect that the exemption provided in  
32 paragraph (3) has on public safety. The Department of the  
33 California Highway Patrol shall report the results of the study to  
34 the Legislature and the Governor on or before April 1, 2005.

35 (F) This paragraph shall become inoperative on January 1,  
36 2007, unless a later enacted statute deletes or extends that date.

37 (c) (1) A tow truck in combination with a single disabled  
38 vehicle or a single abandoned vehicle that is authorized to travel  
39 on the highways by this chapter is exempt from subdivision (a)  
40 when operating under a valid annual transportation permit.

(2) A tow truck, in combination with a disabled or abandoned combination of vehicles that are authorized to travel on the highways by this chapter, is exempt from subdivision (a) when operating under a valid annual transportation permit and within a 100-mile radius of the location specified in the permit.

(3) A tow truck may exceed the 100-mile radius restriction imposed under paragraph (2) if a single trip permit is obtained from the Department of Transportation.

(d) Any city or county may, by ordinance, prohibit a combination of vehicles of a total length in excess of 60 feet upon highways under its respective jurisdiction. The ordinance may not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authority determines will best serve to give notice of the ordinance.

(e) Any city or county, upon a determination that a highway or portion of highway under its jurisdiction cannot, in consideration of public safety, sustain the operation of trailers or semitrailers of the maximum kingpin to rearmost axle distances permitted under Section 35400, may, by ordinance, establish lesser distances consistent with the maximum distances that the highway or highway portion can sustain, except that a city or county may not restrict the kingpin to rearmost axle measurement to less than 38 feet on those highways or highway portions. Any city or county considering the adoption of an ordinance shall consider, but not be limited to, consideration of, all of the following:

(1) A comparison of the operating characteristics of the vehicles to be limited as compared to operating characteristics of other vehicles regulated by this code.

(2) Actual traffic volume.

(3) Frequency of accidents.

(4) Any other relevant data.

In addition, the city or county may appoint an advisory committee consisting of local representatives of those interests which are likely to be affected and shall consider the recommendations of the advisory committee in adopting the ordinance. The ordinance may not be effective until appropriate signs are erected indicating the highways or highway portions affected by the ordinance.

1 This subdivision shall only become operative upon the  
2 adoption of an enabling ordinance by a city or county.

3 (f) Whenever, in the judgment of the Department of  
4 Transportation, any state highway cannot, in consideration of  
5 public safety, sustain the operation of trailers or semitrailers of  
6 the maximum kingpin to rearmost axle distances permitted under  
7 Section 35400, the director, in consultation with the Department  
8 of the California Highway Patrol, shall compile data on total  
9 traffic volume, frequency of use by vehicles covered by this  
10 subdivision, accidents involving these vehicles, and other  
11 relevant data to assess whether these vehicles are a threat to  
12 public safety and should be excluded from the highway or  
13 highway segment. The study, containing the conclusions and  
14 recommendations of the director, shall be submitted to the  
15 Secretary of the Business, Transportation and Housing Agency.  
16 Unless otherwise notified by the secretary, the director shall hold  
17 public hearings in accordance with the procedures set forth in  
18 Article 3 (commencing with Section 35650) of Chapter 5 for the  
19 purpose of determining the maximum kingpin to rear axle length,  
20 which shall be not less than 38 feet, that the highway or highway  
21 segment can sustain without unreasonable threat to the safety of  
22 the public. Upon the basis of the findings, the Director of  
23 Transportation shall declare in writing the maximum kingpin to  
24 rear axle lengths which can be maintained with safety upon the  
25 highway. Following the declaration of maximum lengths as  
26 provided by this subdivision, the Department of Transportation  
27 shall erect suitable signs at each end of the affected portion of the  
28 highway and at any other points that the Department of  
29 Transportation determines to be necessary to give adequate  
30 notice of the length limits.

31 The Department of Transportation, in consultation with the  
32 Department of the California Highway Patrol, shall compile  
33 traffic volume, geometric, and other relevant data, to assess the  
34 maximum kingpin to rearmost axle distance of vehicle  
35 combinations appropriate for those state highways or portion of  
36 highways, affected by this section, that cannot safely  
37 accommodate trailers or semitrailers of the maximum kingpin to  
38 rearmost axle distances permitted under Section 35400. On or  
39 before January 1, 1989, the department shall erect suitable signs  
40 appropriately restricting truck travel on those highways, or

1 portions of highways, and report its findings and  
2 recommendations to the Legislature.

3 ~~SEC. 4. Section 42010 is added to the Vehicle Code, to read:~~

4 ~~42010. (a) For any offense specified in subdivision (b) that is~~  
5 ~~committed by the driver of a vehicle within an area that has been~~  
6 ~~designated as a Safety Enhancement-Double Fine Zone pursuant~~  
7 ~~to Section 97 and following of the Streets and Highways Code,~~  
8 ~~the fine in a misdemeanor case, shall be double the amount~~  
9 ~~otherwise prescribed, and in an infraction case, the fine shall be~~  
10 ~~one category higher than the penalty otherwise prescribed by the~~  
11 ~~uniform traffic penalty schedule established pursuant to Section~~  
12 ~~40310.~~

13 ~~(b) A violation of any of the following provisions is an offense~~  
14 ~~that is subject to subdivision (a):~~

15 ~~(1) Chapter 3 (commencing with Section 21650) of Division~~  
16 ~~11, relating to driving, overtaking, and passing.~~

17 ~~(2) Chapter 7 (commencing with Section 22348) of Division~~  
18 ~~11, relating to speed limits.~~

19 ~~(3) Section 23103, relating to reckless driving.~~

20 ~~(4) Section 23104, relating to reckless driving that results in~~  
21 ~~bodily injury to another.~~

22 ~~(5) Section 23109, relating to speed contests.~~

23 ~~(6) Section 23152, relating to driving under the influence of~~  
24 ~~alcohol or a controlled substance, or Section 23103, as specified~~  
25 ~~in Section 23103.5, relating to alcohol-related reckless driving.~~

26 ~~(7) Section 23153, relating to driving under the influence of~~  
27 ~~alcohol or a controlled substance, that results in bodily injury to~~  
28 ~~another.~~

29 ~~(8) Section 23220, relating to drinking while driving.~~

30 ~~(9) Section 23221, relating to drinking in a motor vehicle~~  
31 ~~while on the highway.~~

32 ~~(10) Section 23222, relating to driving while possessing an~~  
33 ~~open alcoholic beverage container.~~

34 ~~(11) Section 23223, relating to being in a vehicle on the~~  
35 ~~highway while possessing an open alcoholic beverage container.~~

36 ~~(12) Section 23224, relating to being a driver or passenger~~  
37 ~~under the age of 21 possessing an open alcoholic beverage~~  
38 ~~container.~~

39 ~~(13) Section 23225, relating to being the owner or driver of a~~  
40 ~~vehicle in which there is an open alcoholic beverage container.~~



1     ~~(14) Section 23226, relating to being a passenger in a vehicle~~  
2     ~~in which there is an open alcoholic beverage container.~~

3     ~~(e) This section applies only when traffic controls or warning~~  
4     ~~signs have been placed pursuant to Section 97 of the Streets and~~  
5     ~~Highways Code.~~

6     ~~(d) (1) Notwithstanding any other provision of law, the~~  
7     ~~enhanced fine imposed pursuant to this section shall be based~~  
8     ~~only on the base fine imposed for the underlying offense and~~  
9     ~~shall not include any other enhancements imposed pursuant to~~  
10    ~~law.~~

11    ~~(2) Notwithstanding any other provision of law, any additional~~  
12    ~~penalty, forfeiture, or assessment imposed by any other statute~~  
13    ~~shall be based on the amount of the base fine before enhancement~~  
14    ~~or doubling and shall not be based on the amount of the enhanced~~  
15    ~~fine imposed pursuant to this section.~~

16    ~~SEC. 5. No reimbursement is required by this act pursuant to~~  
17    ~~Section 6 of Article XIII B of the California Constitution because~~  
18    ~~the only costs that may be incurred by a local agency or school~~  
19    ~~district are the result of a program for which legislative authority~~  
20    ~~was requested by that local agency or school district, within the~~  
21    ~~meaning of Section 17556 of the Government Code and Section~~  
22    ~~6 of Article XIII B of the California Constitution.~~

23    ~~SEC. 2. This act is an urgency statute necessary for the~~  
24    ~~immediate preservation of the public peace, health, or safety~~  
25    ~~within the meaning of Article IV of the Constitution and shall go~~  
26    ~~into immediate effect. The facts constituting the necessity are:~~

27    ~~In order to facilitate the transport of agricultural products~~  
28    ~~from the field at the earliest possible time, it is necessary that this~~  
29    ~~act take effect immediately.~~